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Validus Holdings, Ltd.*

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Validus Holdings, Ltd.,

Plaintiff,

v.

Musa Kiana; Validus Re Ltd.; Julian
Hargreaves; validus.co, an internet domain
name; validusre.co, an internet domain name;
validusholdings.co, an internet domain name;
validusresearch.co, an internet domain name;
validusurs.co, an internet domain name;
talbotuw.co, an internet domain name;
undriskserv.co, an internet domain name;
alphacatre.co, an internet domain name;
alphacatfund.co, an internet domain name;
ursl.co, an internet domain name; and
underwritingriskservices.co, an internet
domain name,

Defendants,

and

GoDaddy.com, Inc.,

Nominal Defendant.

No. 2:11-cv-02030-SRB

**DECLARATION OF COUNSEL
HOWARD ROSS CABOT IN
SUPPORT OF VALIDUS
HOLDINGS, LTD.'S
APPLICATION FOR
TEMPORARY RESTRAINING
ORDER, MOTION FOR
PRELIMINARY INJUNCTION
AND MOTION TO SET A
HEARING ON MOTION FOR A
PRELIMINARY INJUNCTION**

1 I, Howard Ross Cabot, hereby declare:

2 1. I am a partner with the law firm of Perkins Coie LLP, and I am one of the
3 attorneys representing Validus Holdings, Ltd. (“Validus”) in this matter. I make this
4 declaration based on my own personal knowledge and information derived from firm
5 records maintained in connection with this matter.

6 2. Attached as Exhibit A is a true and correct copy of an October 18, 2011
7 letter (excluding enclosures) I sent to Nominal Defendant GoDaddy.com, Inc.
8 (“GoDaddy”) by email, fax, and hand delivery which attached the Verified Complaint
9 (including exhibits), Corporate Disclosure Statement, and Summons. Among other
10 things, the letter attached as Exhibit A requested that GoDaddy comply with 15 U.S.C.
11 § 1125(d)(2)(D) and informed GoDaddy that during the morning of Friday, October 21,
12 2011, Validus would file an Application for Temporary Restraining Order and Motion for
13 Preliminary Injunction. GoDaddy is the registrar of the 11 domain names at issue in this
14 case—validus.co, validusre.co, validusholdings.co, validusresearch.co, validusurs.co,
15 talbotuw.co, undriskserv.co, alphacatre.co, alphacatfund.co, ursl.co, and
16 underwritingriskservices.co (the “Domain Name Defendants”).

17 3. In response to the letter attached as Exhibit A, GoDaddy signed the
18 Registrar Certificate attached to the Notice of Filing Nominal Defendant GoDaddy.com,
19 Inc.’s Registrar Certificate (Doc. 10). In the Registrar Certificate, GoDaddy certified that
20 (1) the Domain Name Defendants are “under the dominion and control” of this Court for
21 the purpose of the disposition of the registration and use of the Domain Name Defendants;
22 (2) the Domain Name Defendants have been placed “on registrar lock, thus preventing the
23 [Domain Name Defendants] from being transferred, modified or otherwise managed or
24 manipulated”; and (3) it “will not modify the status of the [Domain Name Defendants]
25 unless and until instructed to do so by Order” of this Court.

1 4. Attached as Exhibit B is an October 20, 2011 email to me from Nima Kelly,
2 Deputy General Counsel for GoDaddy. In the email, Mrs. Kelly confirmed that the
3 actions taken by GoDaddy set forth in Paragraph 3 above have **not** disabled any email
4 services that may be associated with the Domain Name Defendants. Mrs. Kelly also
5 confirmed that GoDaddy is aware a temporary restraining order hearing is anticipated for
6 Friday, October 21, 2011, but that GoDaddy would not be sending a representative to the
7 hearing. GoDaddy takes no position in this matter.

8 5. On October 19, 2011, the Verified Complaint (including exhibits),
9 Corporate Disclosure Statement, and Summonses were sent to Defendants Musa Kiana,
10 Validus Re Ltd., and Julian Hargreaves (the "Registrant Defendants") and the Domain
11 Name Defendants at the postal and email addresses provided to GoDaddy, consistent with
12 the notice provisions in 15 U.S.C. § 1125(d)(2)(A)(ii) & (B).

13 6. Attached as Exhibit C are true and correct copies of the Federal Express
14 shipping labels for the Priority Overnight and International Priority shipments to the
15 Registrant Defendants and Domain Name Defendants of the Verified Complaint
16 (including exhibits), Corporate Disclosure Statement, and Summonses (as appropriate for
17 each Defendant).

18 7. Attached as Exhibit D is a true and correct copy of an October 19, 2011
19 email (excluding attachments) sent from Rusty D. Crandell, an attorney at Perkins Coie
20 LLP, to the Registrant Defendants and the Domain Name Defendants which attached the
21 Verified Complaint (including exhibits), Corporate Disclosure Statement, and
22 Summonses. This email informed the Registrant Defendants and the Domain Name
23 Defendants that Validus would file an Application for Temporary Restraining Order and
24 Motion for Preliminary Injunction on Friday, October 21 at 9:30 a.m. (Arizona Time).

